

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

JOURDEAN LORAH,

Plaintiff,

v.

DEPARTMENT OF NATURAL RESOURCES AND  
ENVIRONMENTAL CONTROL and  
THE PMA GROUP,

Defendants.

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:  
: Civil Action No. 06-539 SLR  
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**DEFENDANT, THE PMA GROUP'S RESPONSE BRIEF IN OPPOSITION TO  
PLAINTIFF'S MOTION TO AMEND MOTION TO DISMISS**

Defendant, The PMA Group<sup>1</sup> ("PMA"), by and through its undersigned counsel, White and Williams LLP, hereby responds to Plaintiff's "Motion to Ammend Motion to Dismiss" and requests this Court issue an order dismissing plaintiff's complaint pursuant to Fed. R. Civ. P. 12(b)(1), (b)(4), (b)(5) and (b)(6). In support of its position, PMA relies upon and hereby incorporates by reference its original Motion to Dismiss and reply brief in support of the Motion to Dismiss. By way of further response, PMA states the following:

1. As addressed in her Motion to Amend Motion to Dismiss, Plaintiff now appears to be seeking compensation for, among other things, the following issues: "the financial extortion of her mother's home," cigarette butts and dog feces on the lawn of her mother's home, property damage to her automobile, "the extortion of marriage/divorce," "no career, no retirement, no place to live without employment and defamation regarding her name." (Docket item 26 at p. 3-5).

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<sup>1</sup> PMA Management Corp. is improperly named as "The PMA Group" in plaintiff's complaint.

2. Once again, Plaintiff fails to assert any action on the part of PMA that gives rise to the award of damages. PMA has no connection to any of the allegations raised for the first time in plaintiff's motion. Therefore, dismissal is appropriate pursuant to Fed. R. of Civ. P. 12 (b)(6) for failure to state a claim upon which relief can be granted.

3. Again, plaintiff fails to allege any legal or factual issues relevant to a federal controversy under Title VII or 42 U.S.C. §§ 1981, 1983. Therefore, plaintiff's complaint should be dismissed.

4. Again, plaintiff has failed to take any corrective measures regarding naming the proper PMA entity as a defendant or service of process of the Complaint on the correct entity, despite two notifications by PMA in its motion papers. Therefore, PMA moves to dismiss all claims against it pursuant to Fed. R. of Civ. P. Rule 12(b)(4) and (5) for insufficient process and service of process.

WHEREFORE, based upon plaintiff's failure to allege a federal controversy, failure to state a claim against PMA and insufficient process and service of process, PMA respectfully requests that the Court dismiss plaintiff's complaint.

**WHITE AND WILLIAMS LLP**

*Jennifer Hurvitz Burbine*

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Dated: April 25, 2007

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**ORDER**

**HAVING CONSIDERED** The PMA Group's motion to dismiss plaintiff's complaint,  
and all responses thereto;

**IT IS HEREBY ORDERED** that plaintiff's complaint is **DISMISSED WITH  
PREJUDICE** insofar as the complaint is brought against The PMA Group.

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The Honorable Sue L. Robinson

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Plaintiff,	:	Civil Action No. 06-539 SLR
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v.	:	
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DEPARTMENT OF NATURAL RESOURCES AND	:	
ENVIRONMENTAL CONTROL and	:	
THE PMA GROUP,	:	
	:	
Defendants.	:	

**CERTIFICATE OF SERVICE**

I, Jennifer Hurvitz Burbine, Esquire, do hereby certify that on this 25<sup>th</sup> day of April, 2007, two copies of the above foregoing RESPONSE IN OPPOSITION TO PLAINTIFF'S MOTION TO AMEND MOTION TO DISMISS were served upon the following via first class mail, postage prepaid:

Jourdean Lorah  
114 Walls Avenue  
Wilmington, DE 19805

Robert F. Phillips, Esquire  
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Wilmington, DE 19801

**WHITE AND WILLIAMS LLP**

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